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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,353	06/25/2003	Yan Hui	TI-34693	2585

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EXAMINER	
TIEU, BINH KIEN	

ART UNIT	PAPER NUMBER
2614	

NOTIFICATION DATE	DELIVERY MODE
09/21/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/603,353

Applicant(s)

HUI ET AL.

Examiner

/BINH K. TIEU/

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-27 is/are allowed.
- 6) ☒ Claim(s) 1-5, 12-14 and 16-18 is/are rejected.
- 7) ☐ Claim(s) 6-11, 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5 and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Wei et al. (Pub. No.: US 2003/0227875).

Regarding claim 1, Wei et al (“Wei”) teaches a method comprising:

receiving a frame of data;

incrementing a frame counter (paragraph [0108]); and

demodulating the frame of data based on a value of the frame counter (paragraph [0125]).

Regarding claims 2-3, Wei further teaches that upon demodulation, if missing RLP frames are detected, Controller 970 provides appropriate NAK feedback to modulator 984 at a base station (see paragraph [0126]). A controller 930 at the base station directs the appropriate retransmission for the HARQ-CF and LRP for terminal. The above processing is repeated (see paragraph [0129]).

Regarding claim 4, note paragraph [0124].

Regarding claims 5 and 12-13, note paragraph [0108].

3. Claim 14 is rejected under 35 U.S.C. 102(e) as being anticipated by Kim et al. (Pub. No.: US 2003/0119452).

Regarding claim 14, Kim et al. ("Kim") teaches a method for demodulating a control channel, wherein frames of data carried on the control channel may be formatted differently based on channel quality, the method comprising:

determining a channel quality; and

demodulating a frame of data based on the channel quality (see paragraph [0198]).

4. Claims 14 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Odenwalder et al. (Pub. No.: US 2004/0160933).

Regarding claim 14, Odenwalder et al. ("Odenwalder") teaches a method for demodulating a control channel, wherein frames of data carried on the control channel may be formatted differently based on channel quality, the method comprising:

determining a channel quality; and

demodulating a frame of data based on the channel quality (see paragraphs [0056]-[0057] and [0060]).

Regarding claim 16, note paragraphs [0037]-[0038] and [0044].

5. Claims 14 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Laroia et al. (Pub. No.: US 2005/0003768).

Regarding claim 14, Laroia et al. ("Laroia") teaches a method for demodulating a control channel, wherein frames of data carried on the control channel may be formatted differently based on channel quality, the method comprising:

determining a channel quality; and

demodulating a frame of data based on the channel quality (see paragraph [0108]).

Regarding claim 17, note paragraph [0009].

6. Claims 14 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Yung. (US Pat. No.: US 6,728,296).

Regarding claim 14, Yung teaches a method for demodulating a control channel, wherein frames of data carried on the control channel may be formatted differently based on channel quality, the method comprising:

determining a channel quality; and

demodulating a frame of data based on the channel quality (see col.14, lines 30-36 and col.15, lines 19-30).

Regarding claim 18, note col.15, lines 55-64.

Allowable Subject Matter

7. Claims 19-27 are allowed.

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8. Claims 6-11 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (571) 272-7510 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (571) 272-7499 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL CUSTOMER SERVICE FOR THE SUBSTITUTIONS OR COPIES.**

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/BINH K. TIEU/

Primary Examiner

Technology Division 2614

Date: September 2007